

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
2008 JUN 26 AM 10:45

UNITED STATES OF AMERICA

§

§

v.

§

EP-07-CR-2236-PRM

§

CLINTON UDET PINCKERT,
Defendant.

§

§

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

DEPUTY

ORDER DECLARING DEFENDANT INCOMPETENT TO PROCEED WITH TRIAL


On this day, the Court *sua sponte* considered the above captioned cause. On December 21, 2007, the Court ordered that Defendant Clinton Udet Pinckert ("Defendant") be examined by Dr. David F. Briones to determine whether Defendant is presently mentally incompetent, so as to be unable to understand the proceedings against him or to properly assist in his own defense. The Court has received the report of Dr. Briones, which concludes that Defendant presently has an insufficient ability to consult with his attorney and to assist in his own defense with a reasonable degree of rational understanding. On June 23, 2008, the Court held a mental competency hearing in the above-captioned cause. After considering Dr. Briones's report, the representations of counsel, and the Court's observations of Defendant, the Court finds that Defendant is presently incompetent to stand trial.

Accordingly, **IT IS ORDERED** that Defendant Clinton Udet Pinckert, pursuant to 18 U.S.C. § 4241(d), is committed to the custody of the Attorney General to hospitalize Defendant for treatment in a suitable facility for a reasonable period of time, not to exceed one hundred and twenty (120) days, as is necessary to determine whether there is a substantial probability that in the foreseeable future Defendant will attain capacity to permit the trial to proceed.

IT IS FURTHER ORDERED that a report be **FILED** as set forth in 18 U.S.C. § 4247.

IT IS FURTHER ORDERED that Defendant, pursuant to 18 U.S.C. §4242, be examined at the same location and time period, and a report be filed, as set forth in 18 U.S.C. § 4247, determining if Defendant, as a result of a severe mental disease or defect, is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

SIGNED this 26th day of June, 2008.



DAVID BRIONES
UNITED STATES DISTRICT JUDGE